IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.652 Of 1998.

Mrs. Gulkandi & Others Vs. Ganga Prasad & Others.

Date Of Order ::: 13.12.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Suresh Goyal, Counsel for defendant-appellants

By the Court :

Heard learned counsel for the defendant-appellants.

The plaintiff-respondents filed a suit for permanent injunction as well as possession, which was decreed by the Lower Court. The judgment and decree passed by the Lower Court has been affirmed by the First Appellate Court also.

I have heard the learned counsel for the defendant-appellants and after considering his submission in the light of the findings of both the Court below, particularly in respect of the finding of

Issue No.1, I find that the controversial issues involved in the present case are relating to the question of facts and there is a concurrent finding of fact by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.